

**DIRECTIVE 41.2  
PATROL OPERATIONS**

<b>Issue Date: 03/26/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/20/2019)</b>	<b>CALEA Standards Referenced: 41.2.1; 41.2.2; 41.2.3; 41.2.4; 41.2.5; 41.2.6 &amp; 41.2.7</b>
<b>Pages: 27</b>	

**This directive consists of the following sections:**

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**POLICY AND PROCEDURE:**

Police department vehicles shall be used for official business only, except as required to maintain communications and/or an expeditious response in relation to the operator's position or assignment within the department. Only authorized persons shall be permitted to operate police department vehicles. Authorized persons are defined as sworn personnel, non-sworn personnel when directed by a police supervisor, mechanics for transporting vehicles or diagnosing repairs and other township employees as authorized by a police supervisor. The operator of a police vehicle shall be responsible for proper use and care of vehicles, all accessories, equipment and tools assigned to a vehicle under their operation.

**[41.2.1 Responding Procedures](#)**

It is the policy of the Miami Township Police Department that the safety of the public will be the primary concern of officers involved in operating police vehicles and that all other functions (investigations, apprehension, visible patrol, etc.) will be subordinate to protecting the public from harm. All emergency vehicle operations will be conducted in accordance with existing state statutes and the provisions of this directive. It is further the policy of the department that pursuits of motor vehicles, when conducted, will be accomplished within specific guidelines promoting the safety of the public, the officer and the suspect.

### *Routine Vehicle Operations*

Under normal conditions and when responding to routine calls for service, officers operating department vehicles will obey all traffic laws and will operate the vehicles in a safe and courteous manner. Examples of routine calls for service include:

- See Complainant
- Respond to the Station
- Meet Another Officer
- Investigation of Minor Traffic Violations

### *Urgent and Emergency Vehicle Operations*

Officers that are dispatched to incidents requiring urgent, but not an emergency response, shall immediately proceed directly and safely to the call by the most expeditious route without the use of emergency equipment. However, if in the personal knowledge of the situation, the officer's location or traffic conditions present at the time of the call, or any other mitigating circumstances known to the officer dictate an emergency response, the officer is authorized to do so. Examples of urgent calls for service include:

- Calls Involving Weapons
- Deceased Person
- Burglary Alarms
- Officer Calls for Backup
- Family Trouble Calls
- Prowler Calls
- Disturbance Calls
- Any Crime or Suspected Crime in Progress where an Immediate Response by the Police is Likely to Produce an Apprehension.

Officers may engage in emergency operations of their police vehicle in response to an emergency call or when engaged in the pursuit of an actual or suspected violator of the law.

An Emergency Call as defined in 2744.01(A) of the Ohio Revised Code means: A call to duty, including, but not limited to, communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations that demand an immediate response on the part of a peace officer. Examples of emergency calls include:

- Officer Needs Assistance
- Serious Felonies of Violence
- Serious Breathing or Bleeding Incident
- Injury Traffic Crashes
- Robbery in Progress

Any officer engaged in emergency operations of a police department vehicle shall utilize both the vehicles emergency lights and siren to warn vehicular and pedestrian traffic. A police department vehicle in emergency operations may:

- Exceed the posted speed limit if life or property is endangered. Speed shall be governed by road and weather conditions, operational condition of the vehicle, vehicular and pedestrian traffic and the exercise of good judgment.
- Proceed through a red light or stop sign, but only after slowing or stopping as necessary for safe operation. In no event shall a controlled intersection be entered against the flow of traffic at a speed greater than would allow an operator moving with the flow of traffic to see and or hear the emergency vehicle and safely come to a stop or yield the right-of-way.
- Disregard regulations governing direction of movement or turning in specific directions if life or property is not endangered.
- May park the police vehicle irrespective of the laws, except a police vehicle shall not block access to a fire hydrant at a fire scene.
- The provisions of this section do not relieve the operator of a police vehicle from the duty to drive with due regard for the safety of all persons and property upon the street or highways, as prescribed in the Ohio Revised Code sections 4511.03, 4511.24, 4511.45 & 4511.452.

Unmarked police vehicles shall avoid emergency operation, if possible.

A police supervisor may at any time order the end to an emergency response by an officer. The officer will immediately terminate the emergency operation of the vehicle.

### **41.2.2 Pursuit of Motor Vehicles**

Pursuit shall mean: An active attempt by an officer operating a police department vehicle to apprehend an operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction and takes some overt action designed to avoid apprehension.

#### **Evaluating the Circumstances**

A pursuit shall be justified only when the officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists; has committed or is attempting to commit a serious felony; the necessity of immediate apprehension outweighs the level of danger created by the pursuit.

#### **Defining Criteria to Initiate Pursuit**

Officers must consider these factors before deciding whether or not to pursue:

1. The nature and seriousness of the initial offense compared to the hazard to the public created by the pursuit;

2. Decide if there is a need for immediate apprehension or can the suspect be identified and charged through investigation;
3. Other important considerations include: traffic volume, roadway conditions, weather, familiarity with geography, the speed of the pursuit and the ability of other motorists and pedestrians to hear/see police emergency equipment.

Every Department member engaging in a pursuit must be able to articulate what conditions were present that justified the pursuit.

### *Initiating Officer's Responsibilities*

The responsibility for the decision to initiate a pursuit rests with the individual officer. The officer initiating a pursuit shall always notify the Communications Center as soon as possible that a pursuit is underway and provide the following information:

- Police Unit Identification
- Location, Speed and Direction of Travel
- All Known Vehicle Descriptors
- The Specific Reason for the Pursuit, Including Known Violations of Law
- Number and Description of Operator and Occupants.

Failure to provide the required information may be cause for the supervisor to order the pursuit terminated.

The initiating/primary unit bears operational responsibility for the pursuit, unless relieved by a supervisor.

The initiating/primary unit may maintain pursuit if it is safe to do so, or until directed to terminate the pursuit by a supervisor or the suspect is stopped.

The stopping of a pursuit does not prohibit the following of a vehicle at a safe speed or remaining in the area to reinitiate contact if the opportunity or conditions permit.

Vehicles that have prisoners, witnesses, civilian riders, suspects, complainants or other non-sworn police personnel aboard will not become engaged in vehicular pursuit situations. At the direction of a supervisor, an officer may discharge non-custodial persons at a place of safety and engage as directed in assisting during a pursuit.

### *Secondary Unit's Responsibilities*

Assistance will be coordinated by the Communications Center under the direction of the Miami Township Police Department shift supervisor. The supervisor and primary unit will be advised of the identity and location of back up units who can assist.

The active pursuit will normally involve not more than two units. If more assistance is specifically requested or needed, the amount will be determined by:

- Nature of the Offense
- Number of Suspects
- Whether the Participating Units have More than One Officer
- Other Clear and Articulated Facts that would Warrant the Increased Hazard

Only the supervisor may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not actively participate and will not respond or parallel the pursuit on adjacent streets, unless specifically authorized to do so.

The assisting unit will maintain a safe distance behind the primary unit but close enough to render back up assistance when required.

Assisting units will avoid intersecting the path of an oncoming vehicle.

If the primary vehicle becomes disabled, the assisting unit will become the primary unit. The Communications Center will advise the supervisor and the other units that a new back up unit is needed and the next unit to join the pursuit will be designated the back up unit.

#### *Roles & Restrictions of Vehicles Involved in Pursuits*

There shall be no caravanning by units that are not directly involved in the immediate pursuit.

There shall be no attempt to pass other police units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the supervisor.

All units in pursuit, whether the vehicle in front of the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows or turns.

The responsibility for the decision to overtake rests with the individual officer. In arriving at that decision, the officer must carefully consider all the factors involved, including the seriousness of the offense, the possible consequences and most importantly, the safety of the public.

Officers operating unmarked vehicles, provided the vehicle is equipped with emergency lights and siren, may engage in pursuit only when the fleeing vehicle presents an immediate and direct threat to life. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from the pursuit and serve in a support role.

### Dispatcher's Responsibilities

The Communications Center has the following responsibilities in a pursuit:

- Receive and record all incoming information on the pursuit and the pursued vehicle.
- Immediately notify the on-duty supervisor when a pursuit is initiated.
- Clear radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress and provide all relevant information.
- Perform relevant record and motor vehicle checks.
- Coordinate assistance under the direction of the pursuing officer or supervisor.
- Continue to monitor the pursuit until it has been terminated.

### Supervisor's Responsibilities

A supervisor can order the termination of any pursuit for any reason. The supervisor has the responsibility to direct the following in a pursuit:

- The Pursuit
- Authorize the Use of Alternate Pursuit Tactics, Such as Aircraft, Other Law Enforcement Agencies, Tire Deflation Devices, etc.
- Supervise Police Response Until the Pursuit is Terminated
- Ensure Completion of Necessary Reports to Document the Pursuit.

In the absence of adequate information from the primary or back up unit, or if the supervisor determines that the risk of further pursuit outweighs the benefit of continuing, the supervisor may order the pursuit terminated.

It is not necessary that the supervisor be physically present to begin coordination and assert control over the pursuit.

The supervisor should proceed to the location where the pursuit ends to provide guidance and necessary supervision, if appropriate.

Should a supervisor initiate a pursuit, they should relinquish the pursuit to another officer when practical and assume a supervisory role.

### Termination of Pursuits

Police officers shall not continue pursuing any vehicle involved in misdemeanor or traffic offenses unless the officer knows or has reasonable ground to believe the suspect presents a clear and immediate threat to the safety of other motorists. The pursuing officer must clearly convey to the shift supervisor such threat. The pursuing officer must have permission of the shift supervisor to continue the pursuit.

Police officers shall not continue pursuing any vehicle outside the boundaries of the State of Ohio for other than the following major offenses:

- Aggravated Murder
- Murder
- Voluntary Manslaughter
- Felonious Assault
- Aggravated Assault
- Kidnapping
- Felonious Sexual Assault
- Rape
- Aggravated Arson
- Aggravated Robbery
- Aggravated Burglary

A pursuit will be terminated under any of the following circumstances:

- When, in the opinion of the pursuing officer or the supervisor, there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
- The suspects' identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
- The prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit.
- The pursued vehicle's location is no longer known.
- The pursuing officer knows or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor, or a non-serious felony and the safety factors involved are obviously greater than that with which the juvenile can manage.
- Communications is lost between the primary pursuit unit and Communications Center or police supervisor in control of the pursuit.

#### [Inter & Intra-jurisdictional Pursuits](#)

The Communications Center, with the approval of the supervisor, will notify outside agencies if this department is in pursuit in their jurisdiction. The informing person will specify that the call is either a request for assistance or merely a courtesy notification with no participation needed.

Officers shall not become involved in another agency's pursuit unless specifically authorized by the supervisor, or unless it is clearly demonstrated that a unit from an outside agency is unable to request assistance or the emergency nature of the situation dictates the need for assistance. In these instances, all department pursuit policies are in effect.

### *Pursuit Reporting & Administrative Review*

All police pursuits in which officers of the Miami Township Police Department are participants shall be reported in writing using the Vehicle Pursuit Report. A report will be completed and filed by the initiating officer of the pursuit. All other officers involved will submit a supplemental report to the initial report, indicating their involvement and actions. The Supervisor will complete the supervisor pursuit narrative report. If Miami Township units were assisting an outside agency, that agency should be specified in the report and a copy of that agency's report shall be attached. If the other agency report is not readily available, the report will indicate when and from whom a copy of the report can be obtained.

All reports involving vehicle pursuits will be reviewed by the supervisor involved for compliance with department policy. The shift supervisor will prior to the end of their shift meet with the department officers involved and shall analyze and evaluate the pursuit and the officer's performance during the pursuit. Should a reviewing supervisor find any violations of procedure or errors in performance, they shall issue appropriate corrective action.

Upon review of the pursuit with the officers involved, the supervisor shall forward the report and any comments through the chain of command for an administrative review.

### *Annual Documented Analysis*

In January of each year, The Chief of Police shall designate a person to conduct a documented annual analysis of pursuits, which occurred the previous year. The analysis shall include:

- A review of pursuit policies and reporting procedures.
- Detect patterns or trends indicating training needs and/or policy modifications.
- Determine the factors involved in the initiation of the pursuit.
- Overall pursuit duration and hazards before, during and contributing to the conclusion of the pursuit.
- Any other information that would be relevant to the analysis process.

### *Documented Initial Training on Pursuit Policy*

All newly hired sworn personnel shall receive a copy of this policy via receipt during their first week of employment with Miami Township.

### *Documented Annual Review of Pursuit Policy*

All sworn personnel will receive documented annual training on Miami Township Police Department's pursuit policy.

### 41.2.3 Roadblocks and Forcible Stopping

#### *Circumstances Warranting Use*

In the course of the pursuit, roadblocks, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming or driving alongside the pursued vehicle while it is in motion shall be prohibited.

The use of tire deflation devices may only be authorized by a supervisor and will be used only in a situation where the violator constitutes an immediate and continuing serious hazard and all other efforts to affect an apprehension have failed.

#### *Procedures for Implementation*

The use of tire deflation devices may be utilized only at the direction of a supervisor and shall only be implemented by personnel who have received training in the Miami Township Vehicle Pursuit Directive and tire deflation devices.

The location for use of a tire deflation device should be chosen that provides the greatest protection to the officers and non-involved persons and property. The location should provide an adequate view ahead to allow vehicles to come to a safe stop. The location should avoid a possible turn-off but provide for an avenue of escape after the tire deflation device comes into view by the pursued vehicle.

When deploying a tire deflation device, the officer doing so, shall as feasible, advise other officers involved in the incident of deployment. Officers should attempt to choose locations where there is concealment for the officer and protection, or an escape route in case the offender swerves. The officer deploying a tire deflation device shall ensure that the device is collected when no longer needed.

At no time will a tire deflation device be utilized on a two- or three-wheel vehicle.

#### *Required Training*

The use of tire deflation devices may be utilized only at the direction of a supervisor and shall only be implemented by personnel who have received training in the Miami Township Vehicle Pursuit directive and tire deflation devices.

#### *Supervisory Responsibility*

The supervisor has the responsibility for the following:

- Supervision of the Incident & Circumstances Warranting Use.
- Authorization for Use.
- Ensure Completion of Necessary Reports to Document the Use.

### *Written Report & Administrative Review*

The officer utilizing a tire deflation device shall prepare a supplemental report regarding the use. The report will detail the results of the use and any other pertinent information known to the implementing officer. The supplemental report will be forwarded as part of the pursuit report filed for the event in which the tire deflation device was utilized and forwarded through the chain of command for an administrative review.

### **41.2.4 Notification Procedures**

#### *Support Agencies*

The circumstances and procedures for contacting various law enforcement support agencies, public service agencies and Police Command Staff. All support agencies and public service agencies can be contacted by making radio or telephone contact with the Communications Center and requesting appropriate notification. Personnel may also make direct contact with the agency if available.

#### Clermont County Coroner

In the event of any apparent homicide, suicide, accidental death, death that occurs under suspicious circumstances, discovery of any corpse or human remains where the cause of death is not readily apparent, deaths of infants under two years of age and natural death that is not attended by a physician and the attending physician cannot be contacted or will not agree to sign the Certificate of Death, the Clermont County Coroner shall be notified.

#### Responsible Township, County or State Highway Departments

In the event of the destruction, collapse, serious damage, obstruction or any other event that occurs on a roadway that restricts or prohibits the normal flow of traffic, flooding of any roadway, damage to or the collapse of a bridge or culvert, destruction, theft or other removal of any traffic control device that if not immediately replaced could jeopardize the safety of the motoring public, the appropriate roadway/highway department shall be notified.

#### Public and Private Utilities

In the event of the destruction, collapse, serious damage, obstruction or any other event that occurs to a utility that restricts or prohibits the normal delivery of services to the public, flooding or storm damage of any utility, destruction, theft or other removal of any public utility device that if not immediately replaced could jeopardize the safety of the public and any traffic accident, fire or other accident that disrupts the utility or threatens the public safety, the appropriate public/private utility shall be notified.

#### News Media

If a condition threatens the public's safety and dissemination of information to the news media would reduce or limit the risk to the public, the news media shall be notified. If

the situation and time permit, on-duty supervisors shall contact the Patrol Division Supervisor to contact the news media or to advise they will be contacting the media.

#### Notification of Police Command Staff

Unusual events, emergency situations and serious criminal offenses may require the attention of the departments' Command Staff. Notification shall be made as indicated so that assistance in evaluating the situation, ensuring necessary procedures are taken, and procuring additional resources as needed are utilized.

Notification of Police Command Staff also serves the purpose of notifying the Chief of Police via the chain of command, of events where there may be a question of agency liability or those events that may result in heightened community interest. Should an event occur that is not listed, and the supervisor believes that command staff notification should occur, the supervisor should resolve in favor of notification.

In the event of any of the following incidents, the Patrol Lieutenant will be notified as soon as possible by the on-duty supervisor. In the event he/she is unavailable, the Investigations Lieutenant will be notified:

- Serious injury to any off-duty agency member;
- Injury to any on-duty agency member;
- Fatal automobile crash;
- Crash involving agency owned vehicle;
- Serious civil disorder/riot;
- Severe incident of insubordination or misconduct by agency employee;
- Use of force incident involving injury that requires hospital treatment;
- Discharge of firearm by agency employee (except destruction of animals);
- Any injury requiring hospital treatment or death of any person in agency custody;
- Serious incident causing media attention or that may draw public or political interest.
- Any Serious Felony Offense or spectacular event.

In the event of any of the following incidents, the Investigations Lieutenant will be notified as soon as possible by the on-duty supervisor. In the event he/she is unavailable, the Patrol Lieutenant will be notified:

- Homicide or Suicide;
- Unexplained death, absent obvious causes;
- Suspicious death case taken by the Coroner;
- Child under 12 missing more than one hour after notification has been made to police.
- Rape or Abduction;
- Officer Involved Shooting;
- Death of any Person in Agency Custody;

- Felonious Assault;
- Armed Robbery;
- Breaking and Entering with Property Loss greater than \$5000.00.

#### 41.2.5 Adult Missing Persons

##### **Definition of Adult Missing Person - ORC 2901.41 of the Ohio Revised Code:**

Person eighteen years of age or older who is a temporary or permanent resident of Ohio and meets one of the following characteristics:

- The individual has a physical or mental disability at time of disappearance.
- The individual is missing under circumstances indicating their safety may be in danger.
- The individual is missing under circumstances indicating the disappearance was not voluntary.

Indicators of Foul Play as listed in ORC 2901.42 of the Ohio Revised Code include but are not limited to:

- A persons' car or home is in disarray.
- Evidence of a struggle between the missing person and another individual(s).
- Any other evidence an Officer determines that would indicate that.

**An officer is required to determine, based on the individual circumstances of each case, and the criteria above if the reported missing adult meets the definition of Adult Missing Person. Any further action required by this policy will be based upon that determination.**

**If an officer receives a complaint of an adult missing person who does not meet the definition of an adult missing person in ORC 2901.41, the officer will take an information report with description and pertinent information, that will be retained locally unless circumstances require reclassification as an Adult Missing Person.**

#### Initial Description and Information to be Gathered

When a person files an adult missing person report, the officer taking the report will endeavor to check and ascertain the following:

- Is this a missing person or could it be another situation? Some factors to consider when making this decision are the reported missing persons' age, mental, physical and emotional well being as well as family and social environment.
- Is foul play or other type of criminal activity suspected?
- Is a current description and photograph of the missing adult available?
- What steps can the officer completing the report take to attempt to locate the missing person?

- What outside assistance, if any, might be needed.
- Will a DNA standard need to be obtained?

*Dissemination of Collected Information & Entry & Removal in LEADS and NCIC*

Based upon the results of the inquiries above, the agency will take the following steps:

If the missing person is at least eighteen (18) but less than twenty-one (21) years of age, a report must be taken, and the information contained in the initial report must be sent to the Clermont County Communications Center (CCCC) for entry into NCIC immediately. If additional information is received regarding a report on a missing person at least eighteen (18) but less than twenty-one (21) years of age, that information must be sent to CCCC for entry into NCIC immediately.

The following NCIC entry actions must be taken in the case of missing persons who are 21 years of age and older:

- If foul play is suspected, the information contained in the report must be entered in NCIC within seven (7) days.
- If no foul play and the subject has not returned, the information contained in the report must be entered in NCIC within thirty (30) days.
- If no foul play was indicated initially but evidence of such becomes known to the agency before the end of the seven-day period, the information contained in the report must be entered in NCIC before the end of the seven (7) day period.
- If no foul play was indicated initially but evidence of such becomes known to the agency after the seven-day period, the information contained in the report must be entered in NCIC within forty-eight (48) hours.

*Special Considerations for Critically Missing and At-Risk Persons*

If a person is mentally impaired or 65 years of age or older, a Missing Adult Alert may be warranted. This alert is based on several criteria:

- The local investigating law enforcement agency confirms that the individual is missing. (Check local hospitals, neighbors, businesses, etc).
- The individual is sixty-five years or older or has a mental impairment.
- The disappearance of the individual poses a credible threat of immediate danger or serious bodily harm or death to the individual.
- There is enough descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the Alert System will help locate the individual.

Once ALL the above criteria are established, the officer shall make personal notification to the CCCC requesting entry as a LEADS Missing Adult Alert and the officer will fax the report and the CCCC Missing Person Information Sheet. After sending the required

documents, the officer will verify receipt via phone (indicated on report) or fax transmittal report (attached to report).

Upon notification that a missing adult has been located, a supplemental report shall be completed. The officer shall also fax to CCCC a cancellation notice to have the missing information removed from the LEADS and NCIC computer systems. The officer shall attach the cancellation notice and fax receipt to the supplemental report.

#### *Follow Up with Reporting Person*

The officer assigned to an adult missing person case shall establish contact with the reporting person and shall maintain contact with the reporting person as needed.

#### *Follow Up Investigation & Search*

Miami Township police employees will do everything within their legal authority to locate and identify adults reported as missing; however, adults who do not meet the definition of an adult missing person in ORC 2901.41 have the right to go wherever they choose and have a legal right to be. Should the reporting person indicate the possible location of the person, a check or search of the location may be conducted utilizing resources that are available. If located, the reporting person will be informed the adult was located; however, the decision of informing the reporting person where the person was located will be the decision of the investigating officer.

If a person is classified as an adult missing person pursuant to ORC 2901.41, follow up investigation activities may include the following:

- Make a second contact with officers, witnesses, informants or suspects and conduct additional interviews and interrogations.
- Seek media assistance in locating the missing person and/or suspect.
- Follow up new leads.
- Collect additional evidence, review the evidence and send evidence to the lab for analysis.
- Review any Miami Township records, other department records and criminal history of suspects.
- Plan, organize and conduct searches.
- File charges with and assist the Prosecutor.
- Locate and arrest suspects and determine involvement in other crimes.
- Testify at court hearings regarding the case.

#### **41.2.6 Missing Children**

##### *Statement of Policy*

Miami Township Police Department recognizes that an immediate and consistent response to reports of missing, runaway, abandoned, abducted and endangered children is

critical. Therefore, we have established responsibilities and guidelines for investigation of missing, unidentified or endangered children.

### Child Custody Issues

Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the responsibility of all sworn police officers of the Miami Township Police Department to enforce child custody orders tendered by a court of law in the State of Ohio or any other State providing the custody order has been properly filed with a Clerk of Courts.

Upon being notified of a child custody dispute, the officer shall ask to see the latest or most recent child custody order. The officer shall read the child custody order in its entirety and will verify the legitimacy of the custody order with the Clerk of Courts from which the child custody order was issued. Anyone found to be in violation of a verified child custody order filed with the State of Ohio may be charged under ORC 2919.23, Interference with Custody.

If the child custody order cannot be verified, the officer shall notify Clermont County Children's Protective Services and request the child be placed in protective custody until the next judicial day.

Officers shall investigate whenever information is received that a non-custodial parent or guardian is planning to leave the United States with a child or children subject to a child custody order. If the officer has reasonable belief that such information is true, the officer will contact Children's Protective Services and have the child placed in protective custody until the next judicial day. If necessary, the officer will contact the Prosecutor's Office and request a protective custody warrant for the child or children. In cases where the non-custodial parent or guardian has already fled the Country with a child or children subject to a child custody order, the officer will establish contact with the National Center for Missing and Exploited Children (1-800-THE-LOST) to ascertain if the Country to which the suspect fled is covered under the Hague Treaty and to place the custodial parent or guardian in contact with the State Department of Children Affairs. Officers will prepare a written report of Interference with Custody and file all appropriate charges. The officers will ensure that the suspect and missing children under these circumstances are entered in the NCIC Missing/Wanted Persons file by faxing all necessary information and paperwork to the Clermont County Communications Center.

Members of the Miami Township Police Department are not authorized to decide child custody arrangements in cases without a court order.

### Abandoned Child (Safe Haven)

Under Ohio Law, a parent may voluntarily desert a child less than 30 days of age at a hospital, an emergency service organization or at a law enforcement agency. In the event

a child is left at one of our stations, this directive provides police, fire and EMS personnel an outline of the procedures to be followed. ORC 2151.3515 through 2151.3530.

Any police, fire or EMS member contacted by a person attempting to leave an infant at a fire station, police station or other location shall immediately notify the on-duty shift supervisor. Police or Fire/EMS personnel shall attempt to gain as much information from the party as possible for the completion of the police incident and/or EMS report. Police or Fire/EMS personnel shall:

- Attempt to ascertain the date and time of birth or age of child. If the child appears to be a newborn and the age is uncertain, follow the guidelines as if the child is less than 30 days of age.
- Attempt to ascertain any pertinent medical information, including whether the child has any known medical problems/conditions.
- If possible, make available to the parent who delivered the child the Ohio Department of Job and Family Services Voluntary Medical History for Safe Havens form. This form is designed to gather medical information concerning the child and the child's family. It should be explained to the parent that completing this information form is in their infant's best interests because it will aid health care workers to better care for the child. The form is located on the police G drive, forms folder, Abandoned Medical History.
- Parents are not required by law to provide information to police or Fire/EMS personnel.

Police or Fire/EMS personnel receiving an abandoned child shall also do the following:

- Perform any act necessary to protect the child's safety or health. Parental consent to provide medical treatment is not necessary for EMS personnel to treat the child.
- If the child has suffered a physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of the child, attempt to identify and pursue the person who delivered the child. A person who delivers or attempts to deliver a child under these circumstances is not immune from civil or criminal liability for abuse or neglect. If in the opinion of Fire/EMS personnel, the child has any injuries, the police shall be notified, and the police should detain the person as required by law.
- Make appropriate supervisory notification and notification to Children's Protective Services.
- Any abandoned child under the Deserted Child law shall be transported to a hospital emergency room for evaluation and treatment as soon as reasonably possible. Only Children's Hospital (preferred) or Bethesda North Hospital (if more immediate treatment is needed) shall be used. Upon transporting the child to the hospital, the EMS crew shall contact the receiving hospital to notify them that they will be receiving a Deserted Child.

### Supervisory Notification

Whenever an officer takes a missing, runaway, abandoned, abducted or endangered child report, the fact that a report has been taken shall be made immediately known to the shift supervisor. Based on initial information provided, and the officer's risk assessment, the officer will classify the missing child (a person seventeen years of age and under) in one of the following categories:

- **Disability** – A child who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.
- **Endangered** – A child who is missing under circumstances indicating that his/her physical safety is in danger.
- **Involuntary** – A child who is missing under circumstances indicating that the disappearance is not voluntary, i.e. abduction or kidnapping.
- **Catastrophe Victim** – A child who is missing after a disaster.
- **Juvenile** – A child who is missing and does not meet the criteria of Disability, Endangered, Involuntary or Catastrophe Victim.

In the event of a missing child, the shift supervisor shall determine, using the guidelines supplied in this directive, whether to activate the Ohio Missing Child Alert or AMBER Alert System.

In cases where a missing child can be classified as Disability, Endangered, Involuntary or Catastrophe, the shift supervisor shall ensure all notifications are made in accordance with 41.2.4 of this directive.

### Information Required for Immediate Notification of Appropriate Inter and Intra Agency Coordination

The Ohio Missing Child Alert system may be utilized for any missing child, including runaways, seventeen years of age and younger. The information needed to activate this system is contained on the NIBRS report and the Missing Person report form.

Runaway children will only be entered via the Missing Child Alert System if the supervisor believes the child is endangered due to the circumstances of the incident, State/National resources are needed to locate the missing child or other articulated reasons. After a determination has been made to activate the Missing Child Alert System, a call shall be placed to the Ohio Attorney General's Office, Missing Person Unit at 855-BCI-OHIO. Once the information has been transmitted, they in turn take the following actions:

- Public display of a missing child's photo on the Ohio Attorney General Missing Persons and the National Center for Missing and Exploited Children website.
- All statewide media notified by fax and email.
- Utilize Facebook and Twitter to reach thousands of followers.

- The National Center for Missing and Exploited Children is notified.
- Ohio trucking companies are notified through the Ohio Truckers Alert if the missing child is believed to be in a known vehicle.
- Coordination of alert activation in other states.
- The Bureau of Criminal Investigation Child Abduction Response Team (CART) Coordinator is notified and contacts agency. This agency will coordinate the BCI response and coordinate statewide CART and/or Search and Rescue teams.

The supervisor shall make certain that the Clermont County Communications Center sends out a statewide Missing Child Alert teletype.

The Chief of Police or his designee shall make the determination to mobilize CART.

Should posters need to be generated, they shall be printed and distributed.

#### *Activation of AMBER Alert System*

The Ohio AMBER Alert System criteria are well defined to lessen the likelihood of overuse or misuse. Supervisors shall initiate the AMBER Alert System without delay when the following criteria are met:

- The child is seventeen years of age or younger.
- The child is in immediate danger of serious bodily harm or death.
- There is enough descriptive information about the child, suspect, suspect vehicle, and/or the circumstances surrounding the abduction lead the officer to believe that activation of the alert will help to locate the child.
- The activation of the AMBER Alert System is not to be used for runaway children or family abductions unless the investigation determines that the child is in immediate danger of serious physical harm or death.

After a determination has been made to activate the AMBER Alert System, a call shall be placed to the Clermont County Sheriff's Office requesting activation of the AMBER Alert System. The information needed to activate this system is contained on the NIBRS report and the Missing Person report form.

#### *Responsibilities of Dispatchers, First Responders, Supervisors and Investigators*

##### Dispatchers

Dispatchers utilize a Missing Person nature code that activates a series of questions. Dispatchers shall question the caller to preliminarily assess the level of risk to the missing person. Dispatchers shall promptly dispatch an officer to handle the call.

Dispatchers shall receive and relay updates as needed. Dispatchers shall issue teletypes and make LEADS/NCIC entry and cancellation as required.

## First Responders

Officers notified of a missing child will make personal contact with the reporting person and obtain all pertinent information and complete a NIBRS report and additional supplemental reports as needed. The reporting officer will complete and have signed by the missing child's parent/guardian a Release of Information form.

The person from whom the report is taken must be the parent, custodial parent or legally appointed guardian of the child, or anyone in loco parentis if the incident appears to be a kidnapping or abduction offense.

A runaway child is defined as child under the age of eighteen or otherwise is an unemancipated person as defined by the laws of the state of Ohio.

Upon taking a juvenile missing report, the officer will verify that the child is in fact missing, verify the child's custody status and assess the risk factors concerning the missing child. Factors to consider are the age of the child, the circumstances of the incident, the developmental status of the child both physically and mentally and the child's zone of safety.

Based on initial information provided and the officer's risk assessment, the officer will classify the missing child in one of the following categories:

- **Disability** – A child who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.
- **Endangered** – A child who is missing under circumstances indicating that his/her physical safety is in danger.
- **Involuntary** – A child who is missing under circumstances indicating that the disappearance is not voluntary, i.e. abduction or kidnapping.
- **Catastrophe Victim** – A child who is missing after a disaster.
- **Juvenile** – A child (a person seventeen years of age and under) who is missing and does not meet the criteria of Disability, Endangered, Involuntary or Catastrophe Victim.

In cases where the child is classified **Juvenile** and should the child not be found and returned to the parent/guardian prior to concluding the detail the officer will fax to the Communications Center, a copy of the report along with the Missing Person Information form for local broadcast and LEADS/NCIC entry. After sending the required documents, the officer will verify receipt via phone (indicated on report) or fax transmittal report (attached to report).

Contact any persons or locations that the parent/guardian provides as possible associates or destinations.

Contact any law enforcement agency whose jurisdiction the child may be in and provide to that agency information pertaining to the missing child. The officer shall, as necessary, contact appropriate county children's service organizations that may have an interest in the child's welfare.

The reporting person shall be referred to juvenile court to file unruly charges on the child. The reporting person shall be advised to public service juvenile court intake personnel prior to responding to juvenile court to file charges.

In cases where the missing child can be classified as **Disability, Endangered, Involuntary or Catastrophe** the officer on scene will treat the location of the event as a crime scene. The officer on scene will, when practical, take the following preliminary steps to aid in the recovery of the child:

- Determine when, where and by whom the missing child was last seen.
- Interview the individuals who last had contact with the missing child.
- Identify the child's zone of safety for his/her age and developmental stage.
- Obtain a detailed description of the missing child, abductor and any vehicle involved.
- Relay detailed descriptive information to the Communications Center for broadcast updates.
- Request additional personnel if circumstances require.
- Brief all additional responding personnel including supervisors and investigators.
- Ensure that everyone at the scene is identified and interviewed separately. Make sure their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present.
- Note name, address and telephone numbers of each person.
- Determine each person's relationship to the missing child.
- Note information that each person may have about the child's disappearance.
- Determine when/where each person last saw the child.
- Ask each one, 'What do you think happened to the child?' and document the answer.
- Obtain names, addresses and telephone numbers of child's friends/associates and other friends and relatives of the family.
- Obtain, note permission and conduct a thorough search the home or building where incident took place.
- Conduct search to include all surrounding areas including vehicles and other places of concealment.
- Seal/protect the area of the child's home, including child's personal items such as hairbrush, diary, photographs, computer, and if possible, items with the child's fingerprints/footprints, teeth impressions, so that evidence is not destroyed during or after the initial search and to help ensure that items which could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. Photograph of videotape these areas.
- Evaluate contents and appearance of child's room/residence.

- Obtain photographs and/or videotape of missing child/abductor.
- Ensure all reports and corresponding paperwork are faxed to the Communications Center for entry in the NCIC Missing Person/Wanted Persons file.

### Supervisors Responsibilities

In cases where the missing child can be classified as **Disability, Endangered, Involuntary or Catastrophe**, the supervisor shall ensure all notifications are made in accordance with 41.2.4 of this directive.

The supervisor shall establish a command post away from the child's home and ensure the following steps have been taken:

- Obtain briefing and written reports from first responding officer and any other agency personnel at the scene.
- Determine if additional personnel are needed to assist in the incident.
- Determine if outside help is needed from other local police/fire agencies, the Ohio Missing Child Alert System, FBI, Specialized Units, Victim/Witness Services and the AMBER Alert System.
- Ensure that all required resources, equipment and assistance necessary to conduct an efficient investigation have been requested.
- Ensure coordination, cooperation among all law enforcement personnel involved in the investigation and search effort.
- Ensure that all agency directives, policies and procedures comply.
- Be available to make any decisions or determinations as they develop.
- Coordinate with the Investigations Division Supervisor and utilize media including radio, television, newspapers and internet to assist in the search for the missing child and maintain media relations per established protocols throughout the duration of the incident.

### Investigators Responsibilities

Investigators assigned to cases involving missing children should obtain a briefing from the first responding officer and on-scene personnel. Investigators will verify the accuracy of all descriptive information and other details obtained during the initial investigation. The Investigator assigned to the case shall establish contact with the reporting person and maintain contact as needed. In addition, investigators will ensure the following steps are taken:

- Obtain a brief, recent history of family dynamics.
- Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
- Review and evaluate all available information and evidence collected.
- Develop an investigational plan for follow up.
- Determine what additional resources and specialized services are required.

- Conduct a criminal history check on all principal suspects and participants in the investigation.
- Contact the National Center for Missing and Exploited Children at 1-800-THE-LOST for investigative resources.
- Within 10 days of the child's disappearance, inform the school district, other local educational agencies or private schools in which the child is enrolled that the child is missing. Notification shall be in writing and include a photograph of the child if one is available.
- Execute investigative follow up plan.
- When a child has not been located within thirty days from the date the missing person report was filed, the officer assigned to investigate will obtain the dental records of the missing child. Upon receiving the dental records, the investigating officer shall have such information entered into the NCIC computer record of the missing child.

### Follow Up Responsibilities

The officer assigned the case shall be responsible for the follow-up activities upon notification that a missing child has been located or returned to their residence.

- Verify that the located child is, in fact, the reported missing child. The benefits of this practice include assessing the child's safety, gaining intelligence about possible predators and helping prevent future episodes.
- Arranging for intervention services, if indicated. During the verification process, officers should be alert for indications that additional services may be needed before the child can be safely reunited with their family. These services may include mental and/or physical health examinations and arrangements for family counseling.
- Arranging, in the case of a runaway or missing child from within department jurisdiction who has been located and who is not wanted on a warrant or other law violation, the return of the child to his or her legal guardian or an appropriate Juvenile facility.
- Complete appropriate supplemental reports and cancelling all outstanding notifications. Along with the cancellation of the LEADS/NCIC Missing Person file entry and other notifications regarding the case; a supplemental report shall be completed that describes the child's activities while missing and circumstances of the recovery/return. Additionally, notification shall be made to the Ohio Missing Child Alert System and the AMBER Alert System, if utilized.
- Placing, in the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing person hit is verified, the child in custody and transporting them to the appropriate facility for admission.
- An officer will, when notified by a school, that a student upon enrolling into the school system cannot supply an original birth certificate and records from the school most recently attended, check into the child's background to determine if the child is a missing child.

- All employees of the department shall when requested in accordance with their assigned duties within the department aid and cooperate with other law enforcement agencies in their investigation of cases involving missing children.

#### **41.2.7 Responding to Persons with Mental Illness**

##### *Guidelines for the Recognition of Persons Suffering from Mental Illness*

Mental illness is defined as a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behavior, and capacity to recognize reality or ability to meet the ordinary demands of life. [ORC 5122.01]. While modern accepted practice is to keep those with mental illness out of the criminal justice system, this may not always be feasible, and arrest may be necessary. Overall, the officer will seek to provide a disposition that both serves the needs of the individual and maintains order and safety in the community.

Mental illness may be recognized by:

- The officer's observations of obvious abnormal behavior.
- Collecting a history from the individual of existing mental health diagnosis, prescribed medications and prior treatment or hospitalization for mental health reasons.
- Family/friends in attendance may provide information regarding known diagnosis, history of violence or suicide attempts and use/misuse of medication.

Officers should attempt to distinguish between mental illness versus the influence of drugs, alcohol or emotional distress.

Ohio Revised Code 5122.01B defines a mentally ill person subject to hospitalization by court order as a mentally ill person who, because of the person's illness:

- Represents substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm.
- Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm or evidence of present dangerousness.
- Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs be made immediately available to the community.
- Would benefit from treatment in a hospital for the person's mental illness and needs such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.

### *Procedures for Accessing Available Community Mental Health Resources*

If an incident involving a mentally ill person occurs in Clermont County, officers will provide access to Clermont Mercy Hospital for both adults and juveniles in the manner described. The officer shall complete the Application for Emergency Admission & Statement of Belief which shall include the circumstances under which the individual was taken into custody and reason for the person's belief that hospitalization is necessary. This form will allow a medical professional to examine the person to evaluate their mental health. If the medical professional deems it necessary, the individual will be placed on a 72-hour hold. A copy of the statement of belief shall be attached to the NIBRS report.

The police department has partnered with the Clermont County Mental Health & Recovery Board and received training in the nationally recognized Crisis Intervention Training (CIT). This program works to strengthen the relationship between the law enforcement and behavioral health systems. The goal of the CIT program is to promote safety by educating law enforcement on mental illness; and having officers learn about the characteristics associated with untreated mental illness and practice skills designated to deescalate certain behaviors, divert people with a mental illness who are in crisis from the criminal justice system whenever possible and supply officers with the needed resources to connect people to services.

For mental health calls that do not rise to the level of transporting to Clermont Mercy Hospital or jail this resource is available for an officer to call a mental health professional to respond to the scene, speak with the person in the mental health crisis, and/or complete a CIT referral form regarding the persons mental health crisis and forward it to the Clermont County Mobile Crisis Team for follow up.

### *Officers Guidelines for Contact with Persons with Mental Illness*

Officers having contact with mentally ill persons while on patrol and during interviews and interrogations shall demonstrate professionalism and courtesy, as well as officer safety.

If no criminal offense has occurred a person believed to be a mentally ill person subject to hospitalization by court order may be taken into custody without being placed under criminal arrest. The officer should attempt to establish rapport with the person and take them into custody in the least conspicuous manner possible. However, officer safety should always be considered and never be sacrificed to achieve rapport. The officer taking custody shall inform the mentally ill person of his/her name and rank with the Miami Township Police Department. The mentally ill person shall be informed that they are not under arrest and that they are being taken for examination by a mental health professional at a specified mental health facility. [ORC 5122.10]

If the mentally ill person is injured or thought to have a medical problem, including a drug overdose, the subject shall be transported to an appropriate medical facility by

ambulance. In such cases, an officer shall accompany the ambulance to the medical facility.

If the mentally ill person is not injured and does not have a medical problem, they shall be transported to the hospital by the officer and secured as follows:

- The mentally ill person shall be restrained securely but not in a manner that may tend to cause harm to the prisoner.
- If the mentally ill person is violent, the supervisor may authorize a second officer to assist the transporting officer by either following the vehicle or riding inside the transport vehicle.
- When it appears that the mentally ill person's violent or bizarre behavior may constitute a risk of harm to them or others, the mentally ill person may be transported on a stretcher in an EMS vehicle. The officer must ride in the EMS vehicle. This method of transportation should be used when no other method is feasible.

If the person believed to be mentally ill has committed a crime, officers are encouraged to consider alternatives to arrest; [Directive 1.2.6] however, this policy is not intended to prohibit officers from arresting and incarcerating mentally ill persons. Miami Township Police Officers acting within the scope of his/her employment will use only the force necessary to accomplish lawful objectives. This includes officer contact with mentally ill persons. [Directive 1.3.1]. Persons thought to be mentally ill who are being arrested and incarcerated shall be secured and transported to the jail via normal transport procedures. [Directive 70.3.1]. The officer will document on the jail commitment form any information pertaining to the person's mental health.

#### *Entry Level Training of Agency Personnel*

Entry level training regarding mentally ill persons will be conducted as part of the Field Training Program for all police officers and during the probationary phase of employment for civilian employees. Sworn personnel shall attend Crisis Intervention Training as directed. A record of such training will be documented and retained.

#### *Refresher Training of Agency Personnel*

Refresher training will be conducted at least annually for all sworn police employees. A record of such training will be documented and retained.